IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1874 OF 2006

Chandrakant Karbhari Khode .... Petitioner

versus

Nashik Municipal Corporation & ors... Respondents.

Shri R.S.Apte with N.R.Babna for the petitioner.
Mr. V.A. Gangal for Respdts. 1 and 3.
Shri P.I.Khemani AGP for Respdt. 2
Shri R.V.More for Respdt. 5.
Shri M.S.Karnik for intervener.

CORAM; V.G. PALSHIKAR &
V.R.KINGAOKAR, JJ.

DATED; 18th March, 2006.

P.C:

1. By this petition, the petitioner questions the holding of fresh meeting to elect Chairman of the Standing Committee of the Municipal Corporation of Nashik.

2. Earlier meeting was called on 7th March 2006 and the Senior-most member was asked to preside over the meeting. After the meeting was undervened. a Resolution was moved that the father -in-law of the newly elected member of the Standing Committee Shri Suresh Annaji Patil has expired and therefore the meeting, which is required to be statutorily held as per the provisions of law, be adjourned. This

arbitrary, unwarraned action of the temporary chairman was communited to the State Government and the State Government immediately held that the meeting adjourned was beyond the rules and the act and therefore directed holding of fresh meeting. This direction is asailed on the ground that it amount to interference with the administration.

3. Without going into the question as to whether such interference is possible or not, in our opinion, such interference is necessary for maintaining purity of democratic system and prevents such callous attitude of adjourning the meeting, for the reason of expiring somebody's father in law. In this case, therefore, we see no reason to exercise our discretionary jurisdiction under section 266 of the Constitution to perpetrate or perpetuate the wrong already committed.
Hence petition is dismissed.

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